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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,540

12/28/2004

Jens Fennel

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2573

513 7590 10/18/2007  
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EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/519,540

Applicant(s)

FENNEN ET AL.

Examiner

Amina Khan

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/28/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to applicant's election filed on July 25, 2007.
2. Claims 1-18 are pending. Claims 19-34 have been cancelled.
3. The examiners election requirement is maintained due to the burden of searching the numerous chemically functional and structurally diverse treatment compositions. Examiner acknowledges the applicants election cited on pages 2 and 3 of the response.

### *Specification*

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,750,188) in view of Komforth et al. (US 6,033,590).

Baker et al. teach washing natural leather shoes (column 6, lines 20-25) after tanning and fatliquoring procedures (column 2, lines 15-20) with compositions comprising tetraethylenepentamine, which has been ethoxylated (column 39, lines 50-55), and water proofing agents (column 6, lines 15-20) at 0.01-90% (column 7, lines 20-25) at temperatures of 15°C to 82°C (column 75, lines 5-20).

Baker et al. do not teach the pretanning with dialdehydes and retanning steps.

Komforth et al. teach that it is convention to tan leathers followed by retanning and fatliquoring (column 1, lines 5-15), wherein the tanning agent may be glutaraldehyde (column 3, lines 24-30), the retanning agent may be polybutadienes (column 3, lines 34-36), wherein anionic dyes, neutralizing agents and fatliquoring agents can be used in the treatment liquor in percentages of 0-55% (column 3, lines 40-67; column 4, lines 1-25 and 40-68). Komforth et al. further teach this process is used in making shoes (column 5, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to wash shoes prepared by the methods of Komforth, which incorporate the shoe tanning, retanning and fatliquoring steps, with the washing methods taught by Baker because Komforth teaches these methods are effective in preparing tanned leather shoes and Baker teaches his method for carefully preserving the tanning treatment during laundering of natural leather shoes. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

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7. Claim 14 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,750,188) in view of Komforth et al. (US 6,033,590), as applied to the claims above, and further in view of Bank et al. (US 5,209,775).

Baker and Komforth are relied upon as set forth above.

Baker and Komforth do not teach the instantly claimed silanes.

Bank teaches that compositions comprising alkyltrialkoxysilanes are efficient in providing water repellence to leather shoes (column 1, lines 30-40; column 4, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Baker and Komforth by incorporating the silane water repellants of Bank into the compositions because Baker invites the inclusion of water repellants into the washing compositions and Bank teaches the enhanced water repellence provided to leather shoes treated with these compositions. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

#### ***Allowable Subject Matter***

8. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims are allowable because the prior art of record do not teach or fairly suggest compositions with the silanes of formula VI.

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**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*AK*

AK  
October 15, 2007

*Lorna M. Douyon*  
LORNA M. DOUYON  
PRIMARY EXAMINER